

REMARKS

With entry of this amendment, claims 130-144 are pending, all of which stand rejected. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Specification Objections

Claims 130-144 stand objected to for having various informalities, which have been corrected by the foregoing amendments. As such, Applicant respectfully requests withdrawal of the specification objections.

Claim Rejections-35 U.S.C. §102

Claims 130-140 and 142-144 stand rejected under §102(b) as being anticipated by U.S. Patent No. 5,783,814, issued to Fairley et al. ("Fairley"). Applicant respectfully traverses this rejection, since Fairley does not disclose each and every element required by claims 130-140 and 142-144.

In particular, independent claim 130 requires at least one of the fine focus actions to comprise obtaining images of the slide. The Examiner has referred to Figs. 7 and 8 for the proposition that Fairley discloses this. While Fairley admittedly discloses performing fine focus actions, which includes obtaining the electronic signal illustrated in Figs. 7 and 8, such fine focus actions do not comprise obtaining images of the slide.

Instead, as best illustrated in Fig.1, Fairley utilizes a laser 102 for generating a laser beam 123I that is reflected off of a target 112 after interacting with a series of components, including a beam splitter 104, converging lens 132, a spatial filter 131 (in particular a pin hole), a collimator lens 132, a quarter waveplate 133, X-mirror 106 and Y-mirror 108, and

an objective lens 110 (see col. 5, lines 49-67). The laser beam 123I reflects off of the target 112 as reflected light 123R, which is received by a photodetector 114 after interacting with the same series of components (see col. 6, lines 28-30). The photodetector 114 generates an electronic focus signal 115 that has a magnitude proportional to the intensity of the reflected light 123R received by the photodetector 114 (see col. 6, lines 30-35). The electronic focus signal 115 is used by a Z-axis controller 118 coupled to a fine Z-stage 120 to move the target 112 through a relatively small range of motion in accordance with the magnitude of the detected laser beam 123R (see col. 6, line 43 to col. 7, line 11).

It can be appreciated from the foregoing that no image is generated during the fine focus actions performed in the Fairley device. Rather, the Fairley device merely measures a magnitude of reflected light from which no image is generated. Indeed, the background of Fairley distinguishes the use of images in auto-focus operations (see col. 2, lines 1-8). Thus, it follows that none of the fine focus actions performed in the Fairley device comprises imaging.

Thus, Applicant submits that independent claim 130, as well as the claims depending therefrom (claims 131-140 and 142-144), are not anticipated by Fairley, and as such, respectfully request withdrawal of the rejection of these claims.

Claim Rejections-35 U.S.C. §103

Claim 141 stands rejected under 35 U.S.C. §103, as being obvious over Fairley in view of U.S. Patent No. 5,257,182 issued to Luck et al. (“Luck”). Applicant respectfully

traverses this rejection, since no proper combination of Fairley and Luck discloses, teaches, or suggests the combination of elements required by claim 141.

In particular, as discussed above, Fairley does not disclose performing a fine focus action that comprises imaging, as required by claim 130 from which claim 141 depends, and Luck fails to supplement this failed teaching. Thus, Applicant submits that claim 141 is not obvious over any combination of Fairley and Luck, and as such, respectfully requests withdrawal of the §103 rejection of this claim.

Conclusion

Based on the foregoing, it is believed that all claims are allowable, and thus, a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

By:



Michael J. Bolan
Reg. No. 42,339

Dated: July 6, 2006

Customer No. 41696
Vista IP Law Group LLP
12930 Saratoga Avenue, Suite D-2
Saratoga, CA 95070